

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**TIMOTHY KING, et.al.,**  
Plaintiffs,

v.

Case No. 20-cv-13134  
**Hon. Linda V. Parker**

**GRETCHEN WHITMER**, in her official capacity  
as Governor of the State of Michigan, *et.al.*,  
Defendants,

and

**ROBERT DAVIS,**  
Intervenor Defendant.

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Attorney for Proposed Intervening  
Defendant Robert Davis  
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Ann Arbor, MI 48108  
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[Aap43@outlook.com](mailto:Aap43@outlook.com)

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**INTERVENOR DEFENDANT ROBERT DAVIS' ANSWER TO  
PLAINTIFFS' ORIGINAL COMPLAINT FOR DECLARATORY,**

**EMERGENCY AND PERMANENT INJUNCTIVE RELIEF (ECF NO. 1).**

NOW COMES, INTERVENOR DEFENDANT ROBERT DAVIS (hereinafter “Intervenor Defendant Davis”), by and through his attorney, ANDREW A. PATERSON, and for his Answer to Plaintiffs’ Original Complaint for Declaratory, Emergency and Permanent Injunctive Relief (ECF No. 1), states the following:

**NATURE OF THE ACTION**

1. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
2. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
3. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**Dominion Voting Systems Fraud and Manipulation**

4. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
5. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
6. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
7. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

8. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
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11. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
12. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**Fact Witness Testimony of Voting Fraud & Other Illegal Conduct**

13. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

14. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

15. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**Expert Witness Testimony Regarding Voting Fraud**

16. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

17. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

18. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

19. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

## **JURISDICTION AND VENUE**

20. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

21. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
22. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
23. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.
24. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

### **THE PARTIES**

25. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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#### **STATEMENT OF FACTS**

33. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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leave Plaintiffs to their proofs.

**I.    LEGAL BACKGROUND: RELEVANT PROVISIONS OF THE MICHIGAN ELECTION CODE AND ELECTION CANVASSING PROCEDURES.**

**A. Michigan law requires Secretary Benson and Local Election Officials to provide designated challengers a meaningful opportunity to observe the conduct of elections.**

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to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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**B. The Canvassing Process in Michigan.**

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**II. Factual Allegations and Fact Witness Testimony  
Regarding Michigan Election Code Violations and Other  
Unlawful Conduct By Election Workers and Michigan  
State, Wayne County And/Or City of Detroit Employees.**

60. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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109. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**III. Expert Witness Testimony Indicating Widespread Voting Fraud and Manipulation.**

110. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

111. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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126. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**IV. Factual Allegations Regarding Dominion Voting Systems.**

127. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

128. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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**Count I**

**Defendants Violated The Elections and Electors Clauses and 42 U.S.C. §1983.**

155. Intervenor Defendant Davis restates and incorporates all prior answers as if they were fully set forth and stated herein.

156. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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161. DENIED. The election results shall not be set aside because there was no fraud in the election.

## **COUNT II**

**Governor Whitmer, Secretary Benson and Other Defendants  
Violated The Equal Protection Clause of the Fourteenth  
Amendment U.S. Const. Amend. XIV & 42 U.S.C. § 1983.**

**Invalid Enactment of Regulations Affecting Observation and  
Monitoring of the Election.**

162. Intervenor Defendant Davis restates and incorporates all prior answers as if they were fully set forth and stated herein.

163. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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172. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

173. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

174. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

175. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

176. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

### COUNT III

**Fourteenth Amendment, U.S. Const. Art. I, §4, cl. 1; Art. II, §1; cl. 2; Amend. XIV & 42 U.S.C. § 1983.**

**Denial of Due Process On The Right to Vote.**

177. Intervenor Defendant Davis restates and incorporates all prior answers as if they were fully set forth and stated herein.

178. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

179. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

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## COUNT IV

### **Wide-Spread Ballot Fraud**

186. Intervenor Defendant Davis restates and incorporates all prior answers as if they were fully set forth and stated herein.

187. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

188. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

189. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

190. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

**COUNT V**  
**MICHIGAN STATUTORY ELECTION LAW VIOLATIONS**

191. Intervenor Defendant Davis restates and incorporates all

prior answers as if they were fully set forth and stated herein.

192. Intervenor Defendant Davis neither admits nor denies the

allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore,

leave Plaintiffs to their proofs.

193. Intervenor Defendant Davis neither admits nor denies the

allegations contained therein for lack of knowledge upon which

to form a belief as to the allegations asserted, and therefore,

leave Plaintiffs to their proofs.

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206. Intervenor Defendant Davis neither admits nor denies the allegations contained therein for lack of knowledge upon which to form a belief as to the allegations asserted, and therefore, leave Plaintiffs to their proofs.

### **Prayer for Relief**

207. Denied for Plaintiffs shall not be granted any form of relief.

208. Denied for Plaintiffs shall not be granted any form of relief.

209. Denied for Plaintiffs shall not be granted any form of relief.

210. Denied for Plaintiffs shall not be granted any form of relief.

211. Denied for Plaintiffs shall not be granted any form of relief.

1. Denied for Plaintiffs shall not be granted any form of relief.
2. Denied for Plaintiffs shall not be granted any form of relief.

3. Denied for Plaintiffs shall not be granted any form of relief.
4. Denied for Plaintiffs shall not be granted any form of relief.
5. Denied for Plaintiffs shall not be granted any form of relief.
6. Denied for Plaintiffs shall not be granted any form of relief.
7. Denied for Plaintiffs shall not be granted any form of relief.
8. Denied for Plaintiffs shall not be granted any form of relief.
9. Denied for Plaintiffs shall not be granted any form of relief.
10. Denied for Plaintiffs shall not be granted any form of relief.
11. Denied for Plaintiffs shall not be granted any form of relief.
12. Denied for Plaintiffs shall not be granted any form of relief.
13. Denied for Plaintiffs shall not be granted any form of relief.

**WHEREFORE**, Intervenor Defendant Robert Davis respectfully requests this Honorable Court enters an order dismissing Plaintiffs' Original Complaint (ECF No. 1) with prejudice and award Intervenor Defendant Robert Davis his costs, attorney fees, and whatever other relief this Court deems just and proper in having to defend this baseless and frivolous action.

**Dated: December 3, 2020**

Respectfully submitted,

/s/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Intervenor Defendant  
Robert Davis  
2893 E. Eisenhower  
Ann Arbor, MI 48108  
(248) 568-9712

**AFFIRMATIVE DEFENSES**

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs' claims are barred in whole or in part because Plaintiffs lack standing.
3. Plaintiffs are not the real parties in interest and can assert no claims.
4. Plaintiffs' claims are barred by the applicable doctrines of res judicata, collateral estoppel, preclusive effect, and/or laches.
5. Plaintiffs' claims are barred by applicable statutes of limitations.
6. Plaintiffs' claims are barred by sovereign immunity under the Eleventh Amendment of the United States Constitution.
7. This Court lacks jurisdiction to adjudicate Plaintiffs' claims.
8. Plaintiffs' claims are barred in whole or in part because Plaintiffs may not invoke the equitable powers of this Court, for Plaintiffs having come to this Court with unclean hands.

9. Plaintiffs' claims are barred in whole or in part because the relief Plaintiffs seek would violate Intervenor Defendant Robert Davis' constitutional right to vote and to have his vote counted.

10. This Court should exercise its discretion and decline to exercise supplemental jurisdiction over Plaintiffs' state-law claims.

11. Plaintiffs' state-law claims are barred by sovereign immunity under the Eleventh Amendment of the United States Constitution.

12. Intervenor Defendant Robert Davis reserves and asserts the affirmative defenses and objections enumerated in Fed. R. Civ. P. 8, 9, 12, and 13.

13. Intervenor Defendant Robert Davis reserves the right to set forth those additional affirmative defenses and objections as may be established in the course of pre-trial proceedings herein as may be necessary.

14. Intervenor Defendant Robert Davis, by and through counsel, reserves the right to assert and file any affirmative and special defenses which may become known by discovery proceedings in

accordance with the rules and practices of this Court. Further, Intervenor Defendant Robert Davis does not waive any deficiency or omission in any pleadings filed by any other party to this suit regardless of when filed.

15. Intervenor Defendant Robert Davis reserves the right to set forth those additional affirmative defenses and objections as may be established in the course of pre-trial proceedings herein as may be necessary.

**Dated: December 3, 2020**

Respectfully submitted,

/s/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Intervenor Defendant  
Robert Davis  
2893 E. Eisenhower  
Ann Arbor, MI 48108  
(248) 568-9712

## CERTIFICATE OF SERVICE

I, ANDREW A. PATERSON, certify that forgoing document(s) was filed and served via the Court's electronic case filing and noticing system (ECF) this 3rd day of December, 2020, which will automatically send notification of such filing to all attorneys and parties of record registered electronically.

Dated: December 3, 2020

Respectfully submitted,

/s/ ANDREW A. PATERSON  
ANDREW A. PATERSON (P18690)  
Attorney for Intervenor Defendant  
Robert Davis  
2893 E. Eisenhower Pkwy  
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(248) 568-9712  
[aap43@outlook.com](mailto:aap43@outlook.com)